

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RINALDO BOOKER,

Plaintiff,

v.

FLEXTRONICS AMERICA LLC,

Defendant.

Case No.: 13 Civ. 02325 (LGS)

CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

LORNA G. SCHOFIELD, United States District Judge:

This Civil Case Management Plan is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties **do not consent** to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. Settlement discussions **have not** taken place.
3. The parties **have** conferred pursuant to Fed. R. Civ. P. 26(f).
4. Alternative Dispute Resolution/Settlement

- a. Counsel for the parties have discussed an informal exchange of information in aid of early settlement of this case and have agreed upon the following:

Counsel for the parties do not at this time believe that early settlement of this case is feasible, and therefore intend to proceed with discovery.

- b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a private mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case:

Counsel for the parties do not wish to pursue alternate dispute resolution at this time.

- c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph 4(b) be employed at the following point in the case (e.g., within the next 60 days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery):

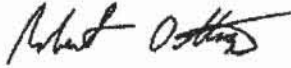
Counsel for the parties do not wish to pursue alternate dispute resolution at this time.

- d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
- 5. No additional parties may be joined without leave of Court **after 30 days from the date of this Order.**
 - 6. Amended pleadings may be filed without leave of Court **after 30 days from the date of this Order.**
 - 7. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than **14 days** from the date of this Order.
 - 8. Fact Discovery
 - a. All fact discovery shall be completed by October 24, 2013.
 - b. Initial requests for production of documents pursuant to Fed. R. Civ. P. 34 shall be served by **no later than 14 days from the date of this Order.**
 - c. Interrogatories pursuant to Fed. R. Civ. P. 33 shall be served by **no later than 14 days from the date of this Order.**
 - d. Depositions pursuant to Fed. R. Civ. P. 30, 31 shall be completed by **no later than the date set forth in Paragraph 8(a).**
 - e. Requests to admit pursuant to Fed. R. Civ. P. 36 shall be served by **no later than 45 days following the date set forth in Paragraph 8(a).**
 - f. Any of the deadlines in paragraphs 8(b) through 8(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 8(a).
 - 9. Expert Discovery
 - a. All expert discovery shall be completed by October 24, 2013.

- b. No later than 30 days prior to the date in paragraph 8(a)(i.e., the completion of all fact discovery), the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) expert report(s) of the party with the burden of proof shall be due before those of the opposing party's expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 9(a).
10. All counsel must confer to discuss settlement within 14 days following the close of fact discovery.
11. Motions for summary judgment, if any, shall be filed no later than **30 days from the date set forth in Paragraph 8(a)**. Pursuant to the authority of Fed. R. Civ. P. 16(c)(2) and the Court's Individual Rule III.A.1, any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto is made in writing within one week after the close of discovery.
12. The joint pretrial Order shall be due 30 days from the close of discovery, or if any dispositive motion is filed, 30 days from the Court's decision on such motion. The filing of the joint pretrial Order and additional submissions shall be governed by Fed. R. Civ. P. 26(a)(3) and the schedule set forth in the Court's Individual Rule IV.B.
13. This case shall be trial ready 60 days from the close of discovery or the Court's decision on any dispositive motion. The final pretrial conference will follow the submission of material referenced in the preceding paragraph. The trial date will be set at the final pretrial conference and will be firm.
14. This case **is** to be tried to a jury.
15. Counsel for the parties have conferred and their present best estimate of the length of trial is **three days**.
16. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are set forth below. **Counsel for the parties do not believe it will be necessary to address any further issues at the Initial Pretrial Conference.**

Counsel for the Parties:

THE OTTINGER FIRM, P.C.

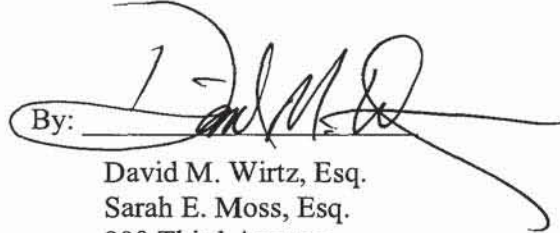


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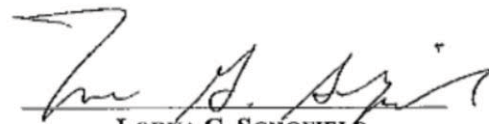
Attorneys for Defendant

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as provided in paragraph 8(f)) shall be made in a written application in accordance with the Court's Individual Rules and shall be made no less than 2 business days prior to the expiration of the date sought to be extended.

A joint status letter is due by September 26, 2013 to advise the court regarding reference to a magistrate judge. A motion conference or pre-trial conference shall be held on November 14, 2013 at 10:30 a.m.

SO ORDERED.

Dated: June 28, 2013
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE